

REMARKS

Claims 1-12, 15-19, and 21-31 are now pending in the application. Claims 13, 14 and 20 have been cancelled without prejudice to the subject matter contained therein. Claims 5, 6, 15, and 24-28 have been withdrawn. New claims 29-31 have been added. In addition, minor amendments have also been made to the claims to simply overcome objections to the claims. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2 and 6-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pasterchick (US Pub. No. 2002/0023395). This rejection is respectfully traversed.

At the outset, Applicant submits that the amendment to claim 1 has rendered moot the rejection of claim 1 (and claims 2, and 6-7 depending therefrom).

Applicant further submits that claim 1 is patentably distinct over Pasterchick because Pasterchick does not disclose or suggest each and every feature required by claim 1. For example, Pasterchick does not disclose or suggest a cover with a top portion that includes "a pair of opposed side edges and an overhang extending generally outwardly and downwardly from each said side edge of the top portion." In addition, the Office Action notes that original claim 4, which recited overhangs, appears to be drawn to allowable subject matter. Accordingly, Applicant believes that claim 1 is not anticipated by Pasterchick because Pasterchick does not disclose or teach overhangs.

With regard to claims 2 and 6-7, these claims depend from independent claim 1, which Applicant believes to be allowable in view of the above remarks. As such, Applicant submits that claims 2 and 6-7, by virtue of their dependence from claim 1, are also allowable for at least these reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 17-19, and 22-23

Claims 3, 17-19, and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pasterchick (US Pub. No. 2002/0023395). This rejection is respectfully traversed.

At the outset, Applicant submits that the amendments to claim 1 and 17 has rendered moot the rejection of claim 1 (and claim 3 depending therefrom) and claims 17 (and claims 18-19 and 22-23 depending therefrom). Applicant further submits that claims 3, 17-19, and 22-23 are patentably distinct over Pasterchick because Pasterchick does not disclose or suggest each and every feature required by independent claims 1 and 17. For example, and as noted above, Pasterchick does not disclose or suggest a cover with a top portion that includes “a pair of opposed side edges and an overhang extending generally outwardly and downwardly from each said side edge of the top portion” as recited in claims 1 and 17. Accordingly, Pasterchick also does not render obvious the dependent claims 3, 17-19, and 22-23 therefrom. For at least this reason, Applicant submits that claims 3, 17-19, and 22-23 are in condition for allowance.

Further, Applicant respectfully traverses the Official Notice taken in the Office Action that it would have been obvious to one having ordinary skill in the art to drill a hole in order to create at least one opening for air ventilation between the cover and the board. First, the official notice must be "capable of such instant and unquestionable demonstration as to defy dispute", and is not appropriate without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. MPEP § 2144.03. Further, amended claims 4, 8, and 17 require the openings in the cover's side portions to be at least partially covered by the overhangs. In various embodiments, this prevents water (e.g., rain, etc.) from entering the openings but still allows moisture to vent outwardly through those openings. Applicant submits that these features would not be considered to be common knowledge or well-known in the art. Applicant submits that these features are not obvious, and respectfully traverses the Official Notice taken. For this additional reason, Applicant submits that claim 17 is allowable.

Claims 8-10, 12-13, and 16

Claims 8-10, 12-13, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oliveri et al (US Patent No. 5,794,390) in view of Pasterchick (US Pub. No. 2002/0023395). This rejection is respectfully traversed.

At the outset, Applicant submits that the amendment to claim 8 has rendered moot the rejection of claim 8 (and claims 9, 10, 12, 13, and 16 depending therefrom). Applicant further submits that claims 8-10, 12, 13, and 16 are patentably distinct over Pasterchick because Pasterchick does not disclose or suggest each and every feature

required by independent claim 8. For example, and as noted above, Pasterchick does not disclose or suggest a cover having a top portion that includes "a pair of opposed side edges and an overhang extending generally outwardly and downwardly from each said side edge of the top portion, the cover's side portions having openings therein for venting an area between the floorboard and the cover when the cover is positioned on the floorboard, the openings in the cover's side portions being at least partially covered by the overhangs." In addition, claim 8 has been rewritten to include features of claim 14 which the Office Action noted appears to be drawn to allowable subject matter. For at least these reasons, Applicant believes claim 8 is patentable over Oliver in view of Pasterchick, and in condition for allowance.

With regard to claims 9, 10, 12, and 16, these claims depend from independent claim 8, which Applicant believes to be allowable in view of the above remarks. As such, Applicant submits that claims 9, 10, 12 and 16, by virtue of their dependence from claim 8 are also allowable for at least these reasons.

Claim 13 has been cancelled without prejudice to the subject matter contained therein such the rejection thereof is moot.

Claim 11

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oliveri et al (US Patent No. 5,794,390) and Pasterchick (US Pub. No. 2002/0023395) in further view of Orchard (US Pat. No. 5,775,048). This rejection is respectfully traversed.

With regard to claim 11, this claim depend from independent claim 8, which Applicant believes to be allowable in view of the above remarks. As such, Applicant

submits that claim 11, by virtue of its dependence from claim 8 is also allowable for at least these reasons.

Claim 21

The Office Action does not appear to address claim 21. However, this claim depends from claim 20, which Applicant believes to be allowable in view of the above remarks. As such, Applicant submits that claim 21, by virtue of its dependence from claim 8, is also allowable for at least these reasons.

NEW CLAIMS 29-31

New claims 29-31 are supported by the application as originally filed. Accordingly, no new matter is introduced by the addition of claims 29-31. In addition, claims 29-31 each depend from an independent claim shown above to be allowable. Accordingly, Applicants respectfully submits that claims 29-31 are each in condition for allowance for at least the reasons given above in connection with the independent claim from which they depend. That is, none of the cited references disclose, teach or suggest "the cover's top portion including a pair of opposed side edges and an overhang extending generally outwardly and downwardly from each said side edge of the top portion."

In addition, claims 29-31 are further patentably distinguishable over the cited references in that the cited references do not disclose, teach or suggest the additional features required by these claims "each said overhang is curved generally downwardly relative to the cover's top portion for forming a drip edge to facilitate the flow of liquid off

the cover's top portion."

ALLOWABLE SUBJECT MATTER

The Office Action states that claim 4, 14, and 20 appear to be drawn to allowable subject matter. Applicant has rewritten claim 1 to include features of claim 4, rewritten claim 8 to include features of claim 14, and rewritten claim 17 to include features of claim 20. Accordingly, Applicant believes that claims 1, 8, and 17 are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7502.

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Respectfully submitted,

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